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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 003266

SIPDIS

DEPARTMENT FOR EUR/SE

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SUBJECT: GOT RESPONSE TO POLICE RAID OF HUMAN RIGHTS
ASSOCIATION

REF: ANKARA 2998

Classified by Acting Political Counselor Nicholas S. Kass.
Reason: 1.5(b)(d).

1. (C) Summary: FM Gul and EU leaders have publicly criticized the May 6 police raid of the Human Rights Association's (HRA) Ankara offices. MFA and Justice Ministry contacts told us they regretted the raid, but said prosecutors acted within the law. However, one senior Interior Ministry contact defended the action as a legitimate investigation of a "suspect organization." End Summary.

EU, GOT Leaders Criticize Raid

2. (C) The police raid of the HRA Ankara offices (reftel) has drawn a sharp reaction from the EU and some GOT leaders. According to our contacts, FM Gul told EU-member-state ambassadors May 9 that the raid was "an example of the need to change Turkey's judicial system." EU Expansion Commissioner Verheugan, addressing the European Parliament May 13, said the "harassment" of the HRA was "difficult to understand," according to our contacts. Justice Minister Cicek has also publicly criticized the raid.

Embassy Raises Concerns

3. (C) We raised USG concerns about the raid in separate meetings May 9, 13, and 15 with officials at the Justice, Interior and Foreign ministries. We noted that prosecutors have opened more than 400 cases against the HRA over the past two years and have repeatedly failed to prove allegations of support for terrorism. By repeatedly taking the HRA to court and failing to win a conviction, prosecutors appear to be conducting a harassment campaign.

MFA, Justice: Raid "Unfortunate"

3. (C) Abdulkadir Kaya, Director General for International Relations at the Justice Ministry, acknowledged that, in the past, many cases were opened against the HRA based on weak evidence. He said this practice is becoming increasingly less common as Turkey strives for EU membership. He predicted that the May 6 raid will be the last time prosecutors use such tactics, unless they turn up solid evidence linking the HRA to terrorism. Kaan Esener, head of the MFA Human Rights Department, said he is concerned that the "unfortunate" raid will cost the GOT some of the credibility it has gained in EU circles through its legislative reform process. "On the one hand, we're making reforms; but on the other hand, we're searching the offices of human rights organizations. It sends a mixed signal," he said. Still, Esener said, prosecutors have acted within the law. Kaya also averred that, unlike in past cases, the prosecutor in this investigation has gone by the book, getting a search warrant in advance and personally supervising the search as required.

Interior: "Where There's Smoke There's Fire"

14. (C) Nezih Dogan, Interior Ministry Secretary General, was unapologetic about the raid. Arguing that, "where there's smoke, there's fire," Dogan articulated the Establishmentarian line, asserting that "prosecutors must have had good reasons" for repeatedly investigating the HRA. Dogan claimed there is no harassment campaign against the HRA, arguing that thousands of other NGOs operate in Turkey without being taken to court. If HRA leaders believe they are being unfairly targeted, he asked, why don't they open a counter suit against the State? Dogan asserted that HRA members "provoke" authorities by voicing support for jailed PKK leader Abdullah Ocalan. (Kaya at Justice made a similar claim, though he acknowledged that pro-PKK speech did not constitute material support for terrorism.)

Comment

15. (C) Human rights issues are hotly debated in Turkey. However, in the Turkish system, protecting the State from the individual is paramount. Consequently, Western individualism and human rights concepts are still too little understood, as reflected in the comments of our contact at the Interior Ministry -- a principle organ through which the Establishment maintains Kemalist order and propriety. In this context, rounding up suspects on less than convincing evidence is seen not as harassment but, all too often, as a perfectly legitimate and effective way to discourage and warn activists and other perceived miscreants. Gul and Cicek's criticism of the police raid, though laudable, needs to be followed up by the kind of decisive action that Turkish officials habitually avoid.
PEARSON